

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY FEBRUARY 21, 2013 – 5:30 P.M.**

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, February 21, 2013 at 5:30 P.M., in the Lake Vista Community Center, 2nd Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chairman Lupo called the meeting to order at 5:36 p.m. and led in the Pledge of Allegiance. The roll was called and a quorum was present.

PRESENT:

Chairman Robert Lupo
Vice Chairman Joe Hassinger
Commissioner Romona Baudy
Commissioner William Hoffman
Commissioner Wilma Heaton
Commissioner Michael Stack
Commissioner Stanley Brien
Commissioner Darrel Saizan
Commissioner Pearl Cantrelle
Commissioner Patrick DeRouen
Commissioner Nyka Scott

ABSENT:

Secretary Greg Ernst
Commissioner Carlton Dufrechou
Commissioner John Trask

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood
Dawn Wagener – Non-Flood
Chuck Dixon – Marina Director
Fred Pruitt – Airport Director

ALSO PRESENT:

Al Pappalardo - Real Estate Consultant
Gerard Metzger - Legal Counsel
Steve Nelson – Stuart Consulting
Chris Fenner – Stuart Consulting
Alton Davis – Richard C. Lambert Consulting
Wesley Mills – Design Engineering, Inc.
John Holtgreve – Design Engineering, Inc.
Sandie McNamara – Total Marketing Solutions
Addie Fanguy – Landmark Aviation
Beth Lemonier – Keller Williams
James Lee, Jr. – New Boathouse Tenant
Ray Landeche – Lakeshore Subdivision
Scott Dittman

ADOPT AGENDA

Commissioner Hoffman offered a motion to Adopt the Agenda, seconded by Commissioner Hassinger and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Hoffman offered a motion to approve the minutes of the Board meeting held on January 24, 2013, seconded by Commissioner Saizan and unanimously adopted.

OPENING COMMENTS

Chairman Lupo informed the Board that construction is progressing very slowly at the Airport Terminal Building with the contractor. RCL and staff have sent informational items to the bonding company of the contractor to light a fire under the construction company.

Commissioner Saizan noted that the Walnut Room has walnut on the walls, but progress is very slow. Completion date is scheduled for June 1, 2013. Chairman Lupo noted for the record Commissioner Heaton's arrival.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo reported that the 2013-2014 Operating Budget was reviewed in all committee meetings and the committees put forth recommendations and ideas. A balanced budget will be presented at the next Finance Committee meeting to be moved to the Board.

The Mardi Gras Marathon is scheduled for Sunday, February 24, 2013. Flyers and door hangars have been distributed in Lake Vista and other subdivisions. The Orleans Levee District Police will be working north of Robert E. Lee and are familiar with residents and the process of allowing residents through to the subdivisions.

The utility crossing project and the Mardi Gras Fountain are under this Authority's control and are moving forward on Lakeshore Drive. The Flood Authority had a pre-construction meeting regarding the promenades that are going behind the seawall.

PRESENTATION

Addie Fanguy – Landmark Aviation

Mr. Fanguy reported that the success of the Super Bowl was overwhelming. Landmark's flight tracking technology indicated that Lakefront Airport saw 1,076 aircraft in four days. Landmark Aviation handled 706 of the flights. All chief pilots indicated how well organized everything was compared to Indianapolis. A large amount of fuel was sold due to teams coming from coast to coast. Pilots were happy with the friendliness of Lakefront Airport and the ability to go to the aircraft with the vehicles and limousines was a big hit. Several e-mails were received from chief pilots of Gulfstream and Dassault Falcon stating that the CEOs were happy to get in and out as quickly as they did. All FBOs on the field and Airport management made a positive showing on an international level. It was a very positive showing for Lakefront Airport and the City of New Orleans. Chairman Lupo thanked Mr. Fanguy, staff and Mr. Fred Pruitt. Mr. Capo was an assistant at the Airport, Commissioner Saizan constantly went to the Airport to check on everybody and it was a team effort. The concept of the Air Boss worked. Mr. Fanguy added that the Air Boss worked out positive and Landmark worked closely with the Air Boss. There were no negative comments. Landmark handled 293 aircraft after the game from 10:00 p.m. until 4:00 p.m. the next day.

Commissioner Saizan advised that Congressman Richmond's office requested a 2-page report detailing what the FBOs did during Super Bowl weekend. Commissioner Saizan commended Mr. Fanguy and all of the FBOs for their performance. Landmark Aviation had a first rate operation from rental cars to catering. It was first rate and a great example of why Lakefront Airport is needed as Armstrong does not have the capacity for big ticket events in this area. The rent-a-car operators had approximately 250-300 cars on the property between Avis, Hertz and Enterprise. Having the road partially resurfaced made a big difference and people downtown noticed that.

Mr. Fanguy noted that people from LAX and Dullas could not believe how fast the controllers got the aircraft in and how fast they worked on the ramps as they are not used to an FBO going over one side of the field to the other and not having logistical issues.

Mr. Pruitt noted that everything went great and the FBOs worked well with the Airport and each other which made the event work so well. The Tower's annual safety meeting indicated at times there were 50 aircraft being pushed out per hour after the game.

COMMITTEE REPORTS

Airport Committee – Commissioner Saizan reported that the RFP/Qs were discussed at the Airport Committee meeting. The RFP/Q for the Restaurant Operator will go out shortly and the second RFP/Q is to begin plans for the grand opening of Lakefront Airport.

Marina Committee – Commissioner Brien reported that the New Basin Canal slips were discussed at the Marina and Finance Committee meetings. It is very important to bring on those extra slips as Orleans Marina is at full capacity. Mr. Dixon should be commended for finding a way to do the work given the Authority's cash position. Impending S&WB charges were discussed, but Orleans Marina tenants are under three year leases so the Authority's hands are tied. Staff is going to determine how to rework the lease to capture that cost coming into July 1, 2013. Major maintenance items such as painting and security enhancements are underway at Orleans Marina..

Commercial Real Estate – There was no Commercial Real Estate meeting in February

Recreation Committee – Vice-Chairman Hassinger had no report for the Recreation/Subdivision Committee

Legal Committee - There was no Legal meeting in February

Finance Committee – Commissioner Hoffman reported that staff is in the middle of budget period. The committees have put much effort into this year's coming budget should continue to do so as the budget is wrapped up by the next Finance Committee meeting. The final budget will be presented at the March Board meeting and will be adopted and submitted by April 1, 2013.

NEW BUSINESS

Motion No. 01-022113 - Motion to approve and authorize the issuance of the Request for Qualifications and Proposals for a Restaurant Operator at the New Orleans Lakefront Airport Terminal

Mr. Capo informed that this RFQ/P is for restaurant management and catered special events at the Airport Terminal Building. Responses should be received no later than March 22, 2013. Commissioner Saizan noted that there will be some proposals from the community, but it is unknown how to gauge that given the economy. People should pay attention to the language regarding minority participation. Chairman Lupo added that specific language was added in the RFP/Q on what the process would entail so people understand this is not a political decision, it is a decision based on qualifications and background.

Commissioner Saizan offered a motion to approve and authorize the issuance of an RFP/RFQ for a Restaurant Operator at the New Orleans Lakefront Airport Terminal, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 01-022113

RESOLUTION: 01-022113

BY: COMMISSIONER SAIZAN

SECONDED: COMMISSIONER HOFFMAN

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the New Orleans Lakefront Airport (the “Airport”) is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the buildings and other facilities at the Airport, including the Terminal Building, were severely damaged by Hurricane Katrina which struck southeastern Louisiana in August of 2005;

WHEREAS, the Management Authority has invested over \$20 million to return the interior and the exterior of the terminal back into a fine example of the original Art Deco architecture and the restoration should be completed by the summer of 2013;

WHEREAS, the renovation work includes the complete restoration of the Walnut Room, the bar area, the café, and the atrium at the Terminal;

WHEREAS, in anticipation of the reopening of the Terminal, the Management Authority contracted with Total Marketing Solutions, L.L.C. to develop a request for qualifications and proposals for food service at the Airport Terminal, including catering, special events and restaurant and bar operations;

WHEREAS, Total Marketing Solutions, L.L.C. with the assistance of the Executive Director, Real Estate Consultant and counsel for the Management Authority prepared a Request for Qualifications and Proposals for restaurant and catered special event management at the Terminal for consideration by the Airport Committee of the Management Authority;

WHEREAS, the Request for Qualifications and Proposals was reviewed by the Airport Committee at its meeting held on February 5, 2013 and the Committee voted unanimously to recommend approval of the Request for Qualifications and Proposals to the Management Authority;

WHEREAS, after the Airport Committee Meeting on February 5th, revisions to the Request for Qualifications and Proposals were recommended by the Executive Director, Real Estate Consultant and counsel for the Management Authority;

WHEREAS, a copy of the Request for Qualifications and Proposals approved by the Airport Committee with the revisions recommended by the Executive Director, Real Estate Consultant and counsel for the Management Authority is attached to this Resolution (the “Request for Qualifications and Proposals”); and,

WHEREAS, the Management Authority after considering the Request for Qualifications and Proposals resolved that it is in the best interest of the Airport to approve and issue the Request for Qualifications and Proposals.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the Request for Qualifications and Proposals for restaurant and catered special event management at the Terminal, a copy of which is attached to this Resolution, and authorizes the Executive Director to issue the Request for Qualifications and Proposals for responses by no later than March 22, 2013.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to accomplish the foregoing.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: NONE
ABSENT: ERNST, DUFRECHOU, TRASK
RESOLUTION ADOPTED: YES

Motion No. 02-022113 – Motion to approve and authorize the issuance of a Request for Qualifications and Proposals for a consultant for the dedication of the restoration of the New Orleans Lakefront Airport Terminal

This motion is for a dedication consultant to manage the dedication ceremony for the New Orleans Lakefront Airport Terminal Building. Commissioner Saizan added that the Authority needs a creative specialist to inform and assist with how the Terminal Building can be memorialized in the local press, nationally and internationally. Lakefront Airport has a tremendous story to tell from its inception in 1934 to the restoration of the Terminal in 2013. Lakefront Airport is the most significant public asset below Canal Street and a significant public asset which can be used to bring more activity to New Orleans East, Gentilly and Lakeview.

Chairman Lupo added that Lakefront Airport is a \$60 million renovation of a historic building in the art deco theme of which there are only two left in the United States. All public officials should be involved as this will be a national story if the right people promote this correctly. There are numerous entities in the aircraft industry involved with the Airport who may be able to bring dollars and expertise to the reopening of the Terminal Building. The RFP/Q should be received by March 29, 2013. Commissioner Saizan noted Lakefront Airport may be able to tie into the Convention Center and the WWII Museum since this was the airport that was used during WWII. Commissioner Scott requested to amend the RFP/Q to add that the consultant should be able to assist the Authority in raising money to help offset the cost of the event as there is no funding set aside for this event.

Commissioner Heaton suggested that the Board have all input, but a professional should be appointed to take charge of the event. Commissioner Saizan noted that Mark Romig got local sponsors and built on the Navy Week concept for Navy Week and that is what concept the Authority is going for.

Commissioner Scott offered an amendment to the Resolution noting that the professional should be able to assist the Authority in raising money for the dedication ceremony, seconded by Commissioner Heaton and unanimously adopted.

Commissioner Saizan offered a motion to authorize the issuance of a Request for Qualifications and Proposals, as amended, for a consultant for the dedication of the restoration of the New Orleans Lakefront Airport Terminal Building, seconded by Commissioner Hassinger and unanimously adopted to wit:

MOTION: 02-022113
RESOLUTION: 02-022113
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HASSINGER

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the New Orleans Lakefront Airport (the “Airport”) is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the buildings and other facilities at the Airport, including the Terminal Building, were severely damaged by Hurricane Katrina which struck southeastern Louisiana in August of 2005;

WHEREAS, the Management Authority has invested over \$20 million to return the interior and the exterior of the Terminal back into a fine example of the original Art Deco architecture and the restoration should be completed by the spring or summer of 2013;

WHEREAS, at the Airport Committee Meeting held on February 5, 2013, the Committee voted unanimously to recommend preparation of a Request for Qualifications and Proposals for a consultant to manage the dedication ceremony of the New Orleans Lakefront Airport Terminal;

WHEREAS, a copy of the Request for Qualifications and Proposals prepared pursuant to the request by the Airport Committee is attached to this Resolution (the “Request for Qualifications and Proposals”); and,

WHEREAS, the Management Authority after considering the Request for Qualifications and Proposals resolved that it is in the best interest of the Airport to approve and issue the Request for Qualifications and Proposals.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the Request for Qualifications and Proposals for a consultant to manage the dedication ceremony of the New

Orleans Lakefront Airport Terminal and authorizes the Executive Director to issue the Request for Qualifications and Proposals for responses.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: NONE
ABSENT: ERNST, DUFRECHOU, TRASK
RESOLUTION ADOPTED: YES

Motion No. 03-022113 – Motion for approval of assignment of Orleans Marina Boathouse Lease N-36 by Robert Monson and Len Stafford to James Lee, Jr.

This boathouse assignment is conditioned upon payment of an 8% transfer fee to the Orleans Levee District of the total amount of consideration received by Robert Monson and Len Stafford for the assignment of the lease as provided under Article 7 of the Lease. This is a request to transfer the leasehold for Boathouse N-36, 36 S. Roadway. The consideration being paid is \$127,500 and the Authority will receive a \$10,200 transfer fee. Chairman Lupo informed that this lease is a triple net lease as boathouses have their own water and electric meter which the tenant pays for so the expense stop clause was not included in this lease. The tenant also pays real estate taxes directly on their improvements.

Commissioner Brien offered a motion for approval of assignment of Orleans Marina Boathouse Lease N-36 by Robert Monson and Len Stafford to James Lee, Jr., seconded by Commissioner Hassinger and unanimously adopted to wit:

MOTION: 03-022113
RESOLUTION: 03-022113
BY: COMMISSIONER BRIEN
SECONDED BY: COMMISSIONER HASSINGER

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, as owner of the Orleans Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, South Roadway Boathouse No. N-36 is currently leased to Robert Monson and Len Stafford pursuant to the terms of a written lease signed on August 14, 2007 and is for a term of five (5) years with five 5-year renewal options (the “Lease”);

WHEREAS, Robert Monson and Len Stafford have requested approval to assign and transfer the lease of Boathouse No. N-36 to James Lee, Jr.;

WHEREAS, under the terms of the proposed Assignment of the Lease, James Lee, Jr. will assume all obligations of the lessee under the Lease;

WHEREAS, under Article VII of the Lease the Lessor’s consent is required for an assignment of the Lease and this Article also provides for payment to the Lessor of an Eight (8%) Percent transfer fee of the total amount of any consideration received by the Lessee;

WHEREAS, the Management Authority after considering this matter resolved that it would be in the best interest of the Orleans Levee District to approve the assignment of the Lease under the terms set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the assignment and transfer of the Lease of South Roadway Boathouse No. N-36 by Robert Monson and Len Stafford to James Lee, Jr., conditioned upon payment to the Orleans Levee District of the transfer fee of Eight (8%) Percent of the total amount of any consideration received by Robert Monson and Len Stafford for the assignment of the Lease, as provided under Article VII of the Lease.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: NONE
ABSENT: ERNST, DUFRECHOU, TRASK
RESOLUTION ADOPTED: YES

Motion No. 04-022113 – Motion for approval to amend the contract with Terracon Consultants, Inc. in the amount of \$33,985.75 for additional costs incurred for further steel testing to ensure the integrity of the welds for the construction of the Bastian-Mitchell Hangar at the New Orleans Lakefront Airport

The Supplemental Agreement approves an increase to the Terracon contract total by \$33,985.75 with all other terms and conditions of the Agreement to remain the same. Mr. Fenner advised that the current scheduled completion date is mid-March. The contractor started working on the Hangar door this week. Chairman Lupo noted this motion is for a testing lab to do extensive testing on the welds which is extremely important. There were two welds that failed so it was good that the testing was done. Mr. Fenner informed this was not included in the original contract amount as there were concerns with the FAA regarding crane height so the schedule was extended for the steel erection. The testing agency did not know how long it would take the contractor to erect the building so the quote was prepared based on the estimated amount of time. Mr. Davis advised that the original design was designed after given the steel loads. The splices and the weld designs come from the steel company in shop drawings so all of the welds were not known at that time. Mr. Fenner advised that these costs should be reimbursable by FEMA.

Commissioner Saizan offered a motion to amend the contract with Terracon Consultants, Inc. in the amount of \$33,985.75 for additional costs incurred for further steel testing to ensure the integrity of the welds for the construction of the Bastian-Mitchell Hangar at the New Orleans Lakefront Airport, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 04-022113
RESOLUTION: 04-022113
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER HOFFMAN

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the “Management Authority”) is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District (“District”);

WHEREAS, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the Management Authority and Terracon Consultants, Inc., (“Consultant”) entered into an Agreement on the 16th day of November, 2011 for the Consultant to provide construction materials engineering and testing services for the Bastian-Mitchell Hangar at the Airport (“Agreement”);

WHEREAS, the current contract amount is based on a cost estimate adopted in Supplemental Agreement 3, executed September 26, 2012;

WHEREAS, the steel erector's schedule has required that the Consultant work additional hours not anticipated in the previous cost estimate;

WHEREAS, in the interest of public safety the Consultant was required to perform additional testing following failure of a few of the completed welds; and,

WHEREAS, the Consultant has requested compensation to cover the costs associated with the additional time and materials required to complete the structural steel testing as shown on Exhibit "A", attached and made a part hereto.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with Terracon Consultants, Inc. to increase the contract total by \$33,985.75, as shown on the attached Exhibit "A", with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT

NAYS: NONE

ABSTAIN: NONE

ABSENT: ERNST, DUFRECHOU, TRASK

RESOLUTION ADOPTED: YES

Motion No. 05-022113 – Motion for approval of a Supplemental Agreement to Richard C. Lambert Consultants, L.L.C.'s contract for additional services and fees due to construction delays on the Terminal Building at the New Orleans Lakefront Airport

This Supplemental Agreement with the Consultant (RCL) is to provide an hourly compensation for Construction Administration Services based on an hourly rate schedule with all other terms and conditions of the Agreement to remain the same. The additional compensation only applies to the Construction Administration Services provided by the Consultant beginning on the date immediately following the substantial completion date of the contractor's contract and shall not include compensation for any time spent performing tasks that are already included under the scope of the Agreement, including but not limited to executing a punch list and performing the close-out processes at the end of the job. The additional compensation included under this Supplemental Agreement shall not exceed the total amount of the liquidated damages assessed to the contractor.

Mr. Davis informed that RCL's contract pays a percentage of the construction cost based on a schedule written into the contract with the contractor. The contractor is beyond schedule and into liquidated damages. Liquidated Damages compensate the Authority for its loss, the architect and the program manager for their additional time. RCL is requesting compensation only. Mr. Davis noted that the Resolution reads "substantial completion" which is when the job is actually complete. Liquidated Damages start at the contractor's completion date and ends at the substantial completion date and does not include punch list or close-out issues. Substantial completion implies that liquidated damages start at the end of the job. Mr. Capo advised that the substantial completion date was January 21, 2013 which is why the Authority is into liquidated damages.

Mr. Davis suggested amending the resolution to read "the contractor's contracted substantial completion date", because the contractor's real substantial completion date will be different than the contractual substantial completion date. The paragraph should read "contracted substantial completion date" because the actual substantial completion date is when RCL issues the substantial completion certificate. Mr. Metzger suggested to rectify the problem and add the word "contract completion date".

Commissioner Heaton offered a motion to amend the Resolution by adding the word 'contracted' under the sixth WHEREAS clause before the word 'substantial', seconded by Commissioner DeRouen and unanimously adopted.

Commissioner Saizan offered a motion for approval of a Supplemental Agreement to Richard C. Lambert Consultants, L.L.C.'s contract for additional services and fees due to construction delays on the Terminal Building at the New Orleans Lakefront Airport, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 05-022113
RESOLUTION: 05-022113
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER HOFFMAN

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "Management Authority") is a political subdivision of State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District and of the Division of Administration, State of Louisiana, which previously managed the non-flood protection assets of the Orleans Levee District;

WHEREAS, the New Orleans Lakefront Airport ("Airport") is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the former Board of Commissioners of the Orleans Levee District and Richard C. Lambert Consultants, LLC, ("Consultant") entered into an Agreement on the 26th day of May, 2006 for Consultant to provide professional services at the Airport, including in connection with the Administration Building or Terminal at the New Orleans Lakefront Airport ("Agreement");

WHEREAS, Supplemental Agreement No 32 approved by Resolution 04-111512 of the Management Authority and dated November 15, 2012 extended the Agreement through December 31, 2013;

WHEREAS, the contractor for the Terminal Interior Renovations, BelouMagner Construction Company ("Contractor"), has exceeded the Contract Completion Date of their contract through no fault of the Management Authority or the Consultant;

WHEREAS, Article 13, Section 13.1 of the Agreement states "If at any time there are contract delays beyond the Consultant's control ... this will be cause for review of contract fees.";

WHEREAS, in a letter to the Management Authority dated January 22, 2013, the Consultant requested additional compensation for the additional time and effort that the Consultant will have to expend to administer construction to the completion of the project due to the previously mentioned delays beyond their control;

WHEREAS, in the same letter dated January 22, 2013, the Consultant proposed that the additional effort expended by the Consultant be tracked hourly and compensated based on the attached hourly rates schedule (Exhibit "A");

WHEREAS, the Consultant shall not receive additional compensation for any time spent performing tasks that are already included under the scope of the Agreement, including but not limited to executing a punch-list and performing the close-out processes at the end of the job;

WHEREAS, the Airport Committee at its February meeting considered the request to compensate the Consultant hourly for construction administration services required beyond the Contractor's schedule and unanimously voted to recommend this additional compensation to the Management Authority;

WHEREAS, on motion duly made, seconded and unanimously adopted, the original Resolution submitted on this matter was amended to substitute the words “Contract Completion Date” for “Substantial Completion Date”; and,

WHEREAS, the Management Authority considers it to be in the best interest of the Airport to approve an amendment of the Agreement to compensate the Consultant hourly for construction administration services required through the completion of the project.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with the Consultant providing hourly compensation for construction administration services based on the attached hourly rate schedule (Exhibit “A”), with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the additional compensation included under this Supplemental Agreement shall only apply to construction administration services provided by the Consultant beginning on the date immediately following the Contract Completion Date of the Contractor’s contract and shall not include compensation for any time spent performing tasks that are already included under the scope of the Agreement, including but not limited to executing a punch-list and performing the close-out processes at the end of the job.

BE IT FURTHER RESOLVED, that the additional compensation included under this Supplemental Agreement shall not exceed the total amount of Liquidated Damages assessed to the Contractor.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT

NAYS: NONE

ABSTAIN: NONE

ABSENT: ERNST, DUFRECHOU, TRASK

RESOLUTION ADOPTED: YES

Motion No. 06-022113 – Motion for approval to amend Hi-Lite Markings, Inc.’s contract for the removal of concrete depths 19” and greater at the midfield intersection of the runways at the Airport for a unit price of \$39.86 per linear foot for a maximum of 240 linear feet for a maximum total price of \$9,566.40

Mr. Pruitt advised that this intersection is directly in front of the Terminal Building where a sign must be moved and additional conduit poured. When the work started it was discovered that the concrete is 36” deep in some areas which exceeds what was estimated. This is eligible for funding from the FAA along with another grant that is to be approved in the next grant cycle. Chairman Lupo noted this is part of the new markings that the FAA required.

Commissioner Saizan offered a motion for approval to amend Hi-Lite Markings, Inc.’s contract for the removal of concrete depths 19” and greater at the midfield intersection of the runways at the Airport for a unit price of \$39.86 per linear foot for a maximum of 240 linear feet, for a maximum total price of \$9,566.40, seconded by Commissioner Hassinger and unanimously adopted to wit:

MOTION: 06-022113

RESOLUTION: 06-022113

BY: COMMISSIONER SAIZAN

SECONDED: COMMISSIONER HASSINGER

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the New Orleans Lakefront Airport (the “Airport”) is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the Management Authority publicly advertised for bids under the Louisiana Public Bid Law for a contract for new markings on the runways and taxiways and for installation of new signage and seal coating of the runways at the Airport, and bids for this Project were received on or about July 27, 2012 (the “Project”);

WHEREAS, Hi-Lite Markings, Inc. was the lowest responsible bidder and was awarded the contract for the Project;

WHEREAS, the design documents anticipated 17” depth concrete at the midfield intersection based on field measurements at the edge of the pavement and the contract unit price rate for this work did not apply to areas where the concrete was greater than 18” in depth;

WHEREAS, upon removal of approximately 55 linear feet of concrete trench, thicker concrete was encountered ranging from 17” to approximately 32” in depth;

WHEREAS, Hi-Lite Markings submitted a proposal for the removal of concrete depths 19” and greater for a unit price of \$39.86 per linear foot for a maximum of 240 linear feet and for a maximum total price of \$9,566.40;

WHEREAS, the Airport Committee at its February meeting considered the proposal for this additional work by Hi-Lite Markings and recommended that the Management Authority should accept this proposal for this additional work at the price quoted by Hi-Lite Markings, Inc.; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Management Authority and the Airport to approve the proposal for this additional work at the price quoted by Hi-Lite Markings, Inc.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the proposal submitted by Hi-Lite Markings, Inc. for removal of the concrete of more than 19” in depth on the midfield intersection of the runways at the Airport for a unit price of \$39.86 per linear foot with the maximum price for this work not to exceed \$9,566.40.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT

NAYS: NONE

ABSTAIN: NONE

ABSENT: ERNST, DUFRECHOU, TRASK

RESOLUTION ADOPTED: YES

Motion No. 07-022113 - Motion for approval of a contract with CT Traina, Inc. for the demolition and reconstruction of the New Basin Canal Boat Slips in the Orleans Marina for the sum of \$31,180

This contract with CT Traina, Inc. is for demolition and rebuilding of the docks and boat slips on the New Basin Canal side of the former Pelius-Eppling leased premises and to install a backflow preventer for the total price of \$31,180. The District is authorized to purchase the materials required to rebuild the docks and boat slips for a price not to exceed \$21,000.

Commissioner Brien commended Mr. Dixon for whittling down the contract to make it financially palatable to the Authority. Mr. Dixon advised that the backflow preventer is \$10,000. Commissioner Hoffman noted for the record that the demolition has to be done from a safety standpoint and the rebuilding of the piers is to receive the revenue to pay for the repairs.

Commissioner Brien offered a motion for approval of a contract with CT Traina, Inc. for the demolition and reconstruction of the New Basin Canal Boat Slips in the Orleans Marina for the sum of \$31,180.00, seconded by Commissioner Hassinger and unanimously adopted to wit:

MOTION: 07-022113
RESOLUTION: 07-022113
BY: COMMISSIONER BRIEN
SECONDED BY: COMMISSIONER HASSINGER

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District;

WHEREAS, the non-flood protection assets managed and controlled by the Management Authority include the Orleans Marina (“Marina”) and property on the New Basin Canal;

WHEREAS, in March of 1981 the former Board of Commissioners of the Orleans Levee District entered into a Lease Agreement with Deborah Ann Krantz, wife of/and Gus M. Pelias, Jr., and Patricia Ann Daly, wife of/and Irvington J. Epling (“Lessees”) for certain property located in the Orleans Marina and on the New Basin Canal commencing on March 1, 1981 and expiring on April 30, 2012;

WHEREAS, the lessees constructed docks and boat slips on the leased premises and were authorized under the lease to lease the boat slips for rentals to tenants, all as provided for under the terms of the lease;

WHEREAS, the lease provided that upon its expiration any improvements thereon would become the property of the District;

WHEREAS, the lease expired on April 30, 2012 and the ownership of the docks and boat slips on the former leased premises reverted to the District;

WHEREAS, the docks and boat slips located on the New Basin Canal side of the former leased premises need to be demolished and rebuilt;

WHEREAS, proposals for the demolition and rebuilding of the docks and boat slips were requested by the District;

WHEREAS, CT Traina, Inc. submitted proposals, totaling \$31,180.00, for the demolition of these docks and boat slips (\$9,590.00), for labor and equipment necessary to rebuild the docks and boat slips (\$11,590.00) and for the purchase and installation of a back flow preventer for the docks and boat slips (\$10,000.00);

WHEREAS, the proposal submitted by CT Traina to rebuild the docks and boat slips did not include the price of the materials necessary to rebuild the docks and boat slips, totaling \$21,000.00, and did not include any electrical work;

WHEREAS, the proposals submitted by CT Traina, Inc. were the lowest proposals received for this work;

WHEREAS, this matter was addressed at the February, 2013 meetings of the Marina and Finance Committees of the Management Authority, and both Committees recommended acceptance of these proposals by CT Traina, Inc. for this work and at the prices set forth above, and expenditure of \$21,000.00 by the District for the materials required to rebuild these docks and boat slips in the Orleans Marina; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Orleans Levee District and Orleans Marina to accept the proposals and authorize a contract with CT Traina, Inc. for the work and at the prices set forth above and the expenditure of \$21,000.00 by the District for the materials required to rebuild these docks and boat slips in the Orleans Marina.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority accepts the proposals and authorizes a contract with CT Traina, Inc. for the demolition and rebuilding of the docks and boat slips on the New Basin Canal side of the former Pelias/Eppling leased premises and installation of a back flow preventer for the total price \$31,180.00, and further authorizes the District to purchase the materials required to rebuild these docks and boat slips for a price not to exceed \$21,000.00.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: NONE
ABSENT: ERNST, DUFRECHOU, TRASK
RESOLUTION ADOPTED: YES

Motion No. 08-022113 – Motion for approval to amend DEI’s ID/IQ contract for an additional \$50,000 for a not to exceed contract amount of \$145,000

This motion authorizes an increase of the contract sum of DEI’s ID/IQ contract in the amount of \$50,000 for the fiscal period of July 1, 2012 to June 30, 2013 with a not to exceed amount of \$145,000.

Commissioner Hoffman noted that it is normal to have amendments during the year because the Authority does not have the staff to perform these activities. The activities that DEI is involved in get recorded at the Finance Committee meetings where expenditures are reviewed and controlled. There are unanticipated issues that arise during the year and the Authority needs DEI’s professional help with those issues. This is not an open-ended contract. Chairman Lupo stated that the Authority should budget more money at the beginning of the year, but it is also important that all projects come before the Board for a review.

Commissioner Hoffman offered a motion for approval to amend DEI’s ID/IQ contract for an additional \$50,000 for a not to exceed contract amount of \$145,000, seconded by Commissioner Hassinger and unanimously adopted to wit:

MOTION: 08-022113
RESOLUTION: 08-022113
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER HASSINGER

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Management Authority has the management and control of two marinas, the New Orleans Lakefront Airport, a fifteen unit office building and 5.2 miles of Lakeshore Drive and approximately 430 acres of green space and public parks owned by the District;

WHEREAS, in view of the extensive property owned by the District occasions arise requiring professional engineering services;

WHEREAS, the Management Authority does not have an Engineering Department nor a Professional Engineer on staff;

WHEREAS, Design Engineering, Inc. (“DEI”) is a qualified engineering consulting firm and has the institutional knowledge of the District’s property, the necessary expertise, and licensure to perform professional engineering services;

WHEREAS, a ID/IQ contract with DEI, Inc. for the period of July 1, 2012 to June 30, 2013 for engineering services was approved by Board Resolution No. 06-082312 and included a not to exceed amount of \$45,000.00;

WHEREAS, subsequently additional projects were identified as well as assessments of damage caused by Hurricane Isaac in August, 2012 requiring an increased level of engineering services;

WHEREAS, the Management Authority adopted Resolution No. 07-111512 to increase the DEI ID/IQ contract in the amount of \$50,000.00, for a not to exceed amount of \$95,000.00, for completion of continuing and ongoing projects and these additional projects;

WHEREAS, two additional projects have been identified involving the preparation of a design package for repairs of the Lake Terrace Fountain and preparation of bidding documents for grass cutting on Lakeshore Drive;

WHEREAS, additional funding of the DEI ID/IQ Contract is necessary for these projects and to complete continuing and ongoing projects;

WHEREAS, the issue of additional funding for the DEI ID/IQ Contract was addressed at the February, 2013 meetings of the Recreational Subdivision Obligation Committee and Finance Committee, and the Committees both recommended approval of an increase of funding for the DEI ID/IQ Contract in the amount of \$50,000.00, for a not to exceed amount of \$145,000.00, for completion of continuing and ongoing projects and for preparation of a design package for repairs of the Lake Terrace Fountain and preparation of bidding documents for grass cutting on Lakeshore Drive; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Management Authority and Orleans Levee District to approve an increase in the contract sum of the DEI ID/IQ contract, for the fiscal period of July 1, 2013 to June 30, 2013, in the amount of \$50,000.00, for a not to exceed amount of \$145,000.00;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority authorizes an increase of the contract sum of the DEI ID/IQ Contract in the amount of \$50,000.00, for the fiscal period of July 1, 2012 to June 30, 2013, with a not to exceed amount of \$145,000.00.

BE IT FURTHER HEREBY RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: ERNST, DUFRECHOU, TRASK
RESOLUTION ADOPTED: YES

Motion No. 09-022113 - Motion for approval of a Change Order with Walton Construction - A Core Company, L.L.C. in the amount of \$74,920 to replace a 12 inch water line in front of the Bastian-Mitchell Hangar at the New Orleans Lakefront Airport

The Change Order of \$74,920 and to add 21 additional days of contract time for Walton Construction is to replace the existing water line crossing the Bastian-Mitchell site. All terms and conditions of the Agreement are to remain the same.

Mr. Fenner advised that the water line across the Bastian-Mitchell site was in bad shape and actually broke on Wednesday. This does not address the line on either side of the Bastian-Mitchell site. All gaskets on the line were deteriorating as evidenced when they were pulled out. The contractor repaired the line several times at his cost, but will not repair the line again. Chairman Lupo added that the 500 foot water line feeds the FBOs, Building 101 and the fire suppression system for the Bastian-Mitchell Hangar. This is the most important water line that exists and is one of the original asbestos wrapped lines. Mr. Fenner noted that the water line is not a FEMA item. This was anticipated and included in the budgetary projections for active projects at the Airport.

Mr. Nelson advised that the financial projections are part of the project management activities (manage, scope, schedule and budget). As a project progresses, scopes, schedules and budgets change. This Change Order was anticipated since we discovered there was a 12" water line underneath the project which no one had seen before. Money is set aside from other alternates which is available at the end of a

project as another funding source so the Authority does not use money from the Bally's settlement.

Mr. Nelson noted that there are no existing drawings showing the pipeline that he was aware of. The water line is actually 1½ feet below the surface of the adjacent grade. Common standard as the Sewerage & Water Board requires around the city is three feet and the new water line will be buried three feet.

Commissioner Saizan offered a motion for approval of a Change Order with Walton Construction - A Core Company, L.L.C. in the amount of \$74,920 to replace a 12 inch water line in front of the Bastian-Mitchell Hangar at the New Orleans Lakefront Airport, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 09-022113
RESOLUTION: 09-022113
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER HOFFMAN

February 21, 2013

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "Management Authority") is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District ("District");

WHEREAS, the Bastian-Mitchell Hangar ("Hangar") at the New Orleans Lakefront Airport is one of the assets under the management and control of the Management Authority;

WHEREAS, the Management Authority and Walton Construction – a CORE Company, ("Contractor") entered into an Agreement on the 23rd day of September, 2011 for construction of the Bastian-Mitchell Hangar ("Agreement");

WHEREAS, during the course of construction, it was discovered that the existing waterline crossing the site was in poor condition and needed to be replaced;

WHEREAS, the Contractor was asked to submit a proposal for replacement of the existing waterline based on plans prepared by Richard C. Lambert Consultants;

WHEREAS, the Contractor submitted Request for Change Order #033 R-1 dated February 12, 2013 totaling \$74,920.00 and including 21 additional days of contract time; and

WHEREAS, the Management Authority considers it to be in the best interest of the Airport to approve a Change Order to the Agreement for \$74,920.00 and 21 additional days of contract time to replace the existing waterline crossing the Bastian-Mitchell site.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Change Order to the Agreement for \$74,920.00 and 21 additional days of contract time to replace the existing waterline crossing the Bastian-Mitchell site, with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, SAIZAN, CANTRELLE, DEROUEN, SCOTT

NAYS: NONE

ABSTAIN:

ABSENT: ERNST, DUFRECHOU, TRASK

RESOLUTION ADOPTED: YES

Mr. Pappalardo informed the Board that The Blue Crab Restaurant should be the first restaurant to open in approximately 60 days. The Amberjack's building was torn down by Mr. Brisbi (Tides, LLC) and that is incorporated into the Tides, LLC leasehold and will become a parking lot for Tides, LLC., which will open shortly after The Blue Crab. Going north there is a vacant portion of the Lakeview Landing lot where the gas station

and fuel dock will be built in the near future as the developer is concentrating on putting the restaurant up first. Schubert's has the approval to move forward with the restaurant, but the lease has not been amended to allow Schubert's to move forward as they have not approved the amendment that Mr. Metzger signed.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, March 21, 2013 at 5:30 p.m.

ADJOURNMENT

Commissioner Baudy offered a motion to adjourn, seconded by Commissioner Cantrelle and unanimously adopted.

The meeting adjourned at 6:41 p.m.